



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,878	02/09/2004	Ali Pezeshk	066040-9765-00	8820
23409 7590 04/19/2007 MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202			EXAMINER MORAN, RANDAL D	
			ART UNIT 2135	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/774,878

Applicant(s)

PEZESHK, ALI

Examiner

Randal D. Moran

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/21/2005 and 7/22/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Information Disclosure Statements filed on 7/22/2005 and 1/21/2005 have been considered by the examiner.
2. Claims 1-29 are pending in the application.
3. Below, Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully each reference in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 7, 8, 12-19**, “an encryption module”, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, as they do not fall under any of the statutory classes of inventions. The language in the specification ([0018]) raises an issue because the claims are directed merely to an abstract idea that is not tied to an article of manufacture which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

The claims could reasonably be drawn to functional descriptive material, per se, i.e., “program” may be taken to mean software alone, and as such, the claims would be directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2135

2. **Claims 1, 2, 4-7, 9, 10, 12, 14-17, 20, 21, 23-25, 27, and 28** are rejected under 35 U.S.C. 102(a/e) as being anticipated by **Carman (US 2003/0046567)**, hereafter "Carman".
3. Considering **Claims 1 and 20**, Carman discloses a password management system ([0002]) comprising: a host computing processor having a peripheral port, and operable to encrypt a list of passwords ([0022], [0023], [0033]); and a portable access device adapted to be coupled to the host computing processor, the portable access device storing the list of encrypted passwords ([0049], Fig. 6), and communicating the list of encrypted passwords with the host computing processor through the peripheral port ([0018] lines 1-5, [0039], [0040]).
4. Considering **Claim 12**, Carman discloses a password management system operable to be coupled to a computer having access to at least one account, the at least one account having a password associated therewith, the password management system ([0018]) comprising: a portable access device storing in a rewritable memory a list of encrypted passwords for the at least one account ([0018] lines 1-5, [0049], Fig. 6); an encryption module executed on the computer and operable to encrypt a new password for addition to the list of passwords ([0022], [0023], [0033]); and a driver coupled to the encryption module and operable to read a master access code ([0036], [0037]), the driver decrypting the list of encrypted passwords from the portable access device using the master

access code and updating the list of encrypted passwords with the new encrypted password ([0036], [0037], [0027]).

5. Considering **Claims 2 and 21**, Carman discloses the portable access device further comprises a rewritable memory configured to store the list of encrypted passwords and account data associating each password ([0027]), and configured to overwrite the list of passwords with a modified list of passwords ([0027]).
6. Considering **Claims 4, 14, 15, and 23**, Carman discloses the peripheral port comprises a universal serial bus ("USB") port ([0020] lines 3-5).
7. Considering **Claims 5, 16, and 24**, Carman discloses the portable access device comprises a serial interface circuitry configured to communicate with the host computing processor via the USB port ([0021] lines 1-3).
8. Considering **Claims 6, 17, and 25**, Carman discloses a data flow drive coupling the portable access device to the peripheral port of the host computing processor, being operable to read from the portable access device a list of encrypted passwords, and being operable to write to the portable access device a list of encrypted passwords ([0027], [0028] lines 1-2).

9. Considering **Claim 7**, Carman discloses the host computing processor comprises an encryption module configured to encrypt the list of passwords ([0022], [0023], [0033]).
10. Considering **Claims 9 and 27**, Carman discloses a driver configured to read a master access code and to decrypt the list of passwords with the master access code ([0036], [0037]).
11. Considering **Claims 10 and 28**, Carman discloses a driver configured to update the list of encrypted passwords ([0027]).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 8, 18, and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Carman**.

3. Considering **Claims 8, 18, and 26**, Carman is silent on the encryption module comprises a symmetric encryption program. Many types of symmetric encryption programs were well know in the art at the time of the invention including AES, Twofish, Serpent, and RC4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Carman by using a symmetric encryption algorithm in the encryption module in order to conform to well known standards in the art and use algorithms that have been proven effective.

4. **Claims 3, 11, 13, 19, 22, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Carman** in view of **Yoshimura (US 5,905,013)**, hereafter "Yoshimura".

5. Considering **Claims 3, 13, and 22**, Carman is silent on the portable access device comprises a first rewritable memory bank configured to store the list of encrypted passwords and account data associating each password, and a second rewritable memory bank configured to duplicate information stored in the first memory bank.

Yoshimura discloses the portable access device comprises a first rewritable memory bank configured to store the list of encrypted passwords and account data associating each password, and a second rewritable memory bank

configured to duplicate information stored in the first memory bank (column 28- lines 35-39 and 61-67, column 29- lines 1-20, storing copies of encrypted data in two separate memory systems on a smart memory card teaches storing encrypted passwords in two separate lists on a portable access device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Cameron by storing backup copies of the encrypted data on the portable access device as taught by Yoshimura in order to prevent data loss due to corruption or errors in the data.

6. Considering **Claims 11, 19, and 29**, the combination of Carman and Yoshimura discloses a driver configured to perform error correction on the list of passwords (Yoshimura- column 29- lines 6-20).

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - US 4,218,738 – Stores a backup copy of the password database as a hard copy.
 - US 2002/0010827 – Portable data storage having secure operation.
 - US 6,038,315 – Password error correction.

- US 2001/0036109 – Integrated Flash Memory.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randal D. Moran whose telephone number is 571-270-1255. The examiner can normally be reached on M-F: 7:00 - 4:00.

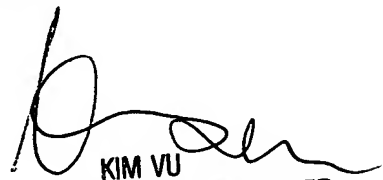
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Randal D. Moran

RDm

4/12/2007


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100